

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:01CR3048
)	
v.)	
)	
SCHUYLER TAFOYA,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on the "memorandum of points and authorities in opposition to the dismissal of Tafoya's ¶ 6(3) motion, for lack of jurisdiction" (Filing No. 107), which the Court will treat as a motion for reconsideration of the memorandum opinion and order of this Court filed on December 21, 2005 (Filing Nos. 105 and 106).

The defendant argues that this Court has jurisdiction to consider his motion in view of the *Blakely* and *Booker* decisions of the United States Supreme Court which he claims "newly recognized a right." Whatever "right" the Court may have created in its *Blakely* and *Booker* decisions, it is clear that those decisions are not retroactive to collateral attacks by a defendant on his sentence. See *Never Misses a Shot v. United States*, 413 F.3d 781, 783-84 (8th Cir. 2005). For this reason, defendant's memorandum, treated as a motion for reconsideration, will be denied. Accordingly,

IT IS ORDERED that defendant's motion for reconsideration is denied.

DATED this 26th day of January, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court